IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

**O R D E R**

Megh Raj Kharadi & Anr. Vs. State of Rajasthan

**S.B.CR.MISC. PETITION NO.1544/2006**

DATE OF ORDER :: December 01, 2006

**PRESENT**

**HON'BLE MR.JUSTICE H.R.PANWAR**

Mr.Sanjay Mathur, for the petitioners.
Mr.Ashok Upadhyaya, P.P.

**BY THE COURT:**

This criminal misc. petition under section 482 Cr.P.C. is directed against the order dt. 18.10.2006 passed by the Sessions Judge, Dungarpur (for short 'the appellate court' hereinafter), whereby the order under challenge dt. 1.3.2006 passed by the District Collector, Dungarpur, was upheld. Hence, this criminal miscellaneous petition.

I have heard learned counsel for the petitioners and the Public Prosecutor for the State. Carefully gone through the order passed by the Collector as well as by the appellate court.

It appears that 66 gunny bags of wheat were alleged to have been seized by the Enforcement Inspector by the order of

the District Supply Officer on the allegation that the said wheat was meant for distribution to the villagers, through fair price shop.

Learned counsel for the petitioners submits that by order dt. 1.3.2006, the wheat in question has been forfeited by the Collector under section 6(A) of the Essential Commodities Act, 1955 and the petitioners are prepared to give a bank guarantee for release of the wheat.

Having regard to the facts and circumstances of the case, in my view, ends of justice would be met if the wheat in question is released on interim custody on "Supurdaginama" to the petitioner No.1 on furnishing the bank guarantee for the said wheat. In this view of the matter, it is directed that the wheat in question i.e. 66 gunny bags of the wheat, which has been seized by the Enforcement Inspector on 4.10.2005 be given on interim custody on "Supurdaginama" to the petitioner No.1 provided he furnishes a bank guarantee of Rs.70,000/-to the satisfaction of the District Collector, Dungarpur.

The petition stands disposed of.

**[H.R.PANWAR],J.**

m.asif/-